

REMARKS

In the *non-final* Office Action mailed August 25, 2009 the Office noted that claims 1-5, 7-13 and 16-18 were pending and rejected claims 1-5, 7-13 and 16-18. Claims 1 and 5 have been amended, claims 19 and 20 have been canceled, claims 21-23 have been added, and, thus, in view of the foregoing claims 1, 2, 5, 9-13, 16-18 and 21-23 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

INTERVIEW

The undersigned wishes to thank the Examiner for interviewing this Application.

REJECTIONS under 35 U.S.C. § 102

Claims 1-3, 5, 13, 19 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hojeibane, U.S. Patent Publication No. 2004/0019374. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

On page 3 of the Office Action, the Office asserts that Hojeibane, Figs. 1A and 1C, elements 100 and 102-10 disclose "an occlusive device having a hollow cylindrical element (1) that can be twisted to its axis to create a striction zone," as in claim 1.

However, Hojeibane ¶ 0056 states

Alternatively, the connecting members 105 may be twisted in a helical fashion as they extend from the proximal to distal anchors 103, 104. This alternate embodiment is illustrated in FIG. 1C. Specifically, the connection points between the connecting members 105 and the distal anchor 104, and the connecting members 105 and the proximal anchor 103, are rotationally phased 180 degrees from each other to provide the helical design.

Thus, in Hojeibane the element has a helical shape. That is, the member 105 is not twistable; it has a twisted shape, *ab initio*. There is no indication in Hojeibane that member 105 is deformable in torsion. It simply exhibits a "twisted shape" which is to be understood like to be synonymous with "helical shape."

In the Interview Summary it is asserted that member 105 of Hojeibane, visible in figure 1A, is the same, but deformed, than the one visible in Figure 1C.

The Applicants respectfully disagree. Figs. 1A and Fig 1C show alternate embodiments of Hojeibane and do not reflect any deformation in torsion. This is clearly described in ¶ 0056 as quoted above. Thus, nothing is deformed in Hojeibane during the use of the device.

On page 3 of the Office Action, the Office asserts that Fig. 1A, element 102 discloses "a transverse compression deformable body (2) applied to the inner wall of the cylindrical element (1)," as in claim 1.

However, the transverse compression deformable body is

not the hollow cylindrical element which in the Interview it was interpreted to be the member 105 of Hojeibane. As such, member 105 of Hojeibane cannot simultaneously anticipate the two features of the invention. Further, the term transverse means a direction perpendicular to the longitudinal axe of the device. To be deformable in compression in this direction, the body presented in the claim implicitly has certain thickness. In contrast, Hojeibane discusses wire elements (such as member 105) or webs (such as element 102). Such elements are 2D structures which cannot be deformed in a transverse direction. With such a direction of force, it would be a deformation in flexion. As such, element 102 does not anticipate the transverse compression deformable body as in the claims.

To emphasize this distinction, the Applicants have amended claims 1 to further include the features of claims of 19 and 20. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

For at least the reasons discussed above, Hojeibane fails to anticipate claim 1 and the claims dependent therefrom.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being obvious over Hojeibane in view of Rhodes, U.S. Patent No. 5,843,160. The Applicants respectfully disagree and traverse the rejection with an argument.

Rhodes adds nothing to the deficiencies of Hojeibane as applied against the independent claim. Therefore, Hojeibane and Rhodes, taken separately or in combination, fail to render obvious the features of claim 9.

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bonadio in view of Garrison, U.S. Patent No. 6,425,916. The Applicants respectfully disagree and traverse the rejection with an argument.

Garrison adds nothing to the deficiencies of Hojeibane as applied against the independent claim. Therefore, for at least the reasons discussed above, Hojeibane and Garrison, taken separately or in combination, fail to render obvious claims 11 and 12.

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bonadio in view of Dinh, U.S. Patent No. 6,168,619. The Applicants respectfully disagree and traverse the rejection with an argument.

Dinh adds nothing to the deficiencies of Hojeibane as applied against the independent claim. Therefore, for at least the reasons discussed above, Hojeibane and Dinh, taken separately

or in combination, fail to render obvious claims 16-18.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being obvious over Hojeibane in view of Gabbay, U.S. Patent Publication No. 2002/0032481. The Applicants respectfully disagree and traverse the rejection with an argument.

Gabbay adds nothing to the deficiencies of Hojeibane as applied against the independent claim. Therefore, Hojeibane and Gabbay, taken separately or in combination, fail to render obvious the features of claim 20.

Withdrawal of the rejections is respectfully requested.

#### NEW CLAIMS

Claims 21-23 are new. Support for the claims may be found, for example, in Figs. 2; 3; 7 and 12; ¶¶ 0054; 0055; 0066; and 0084 of the printed publication version of the Specification. It is respectfully submitted that no new matter is believed to have been added by the addition of claims 21-23.

The prior art of record fails to disclose the cylindrical element comprises a sealed wall; transverse compression of the transverse compression deformable body is in a direction perpendicular to the longitudinal axis of the device; or the expanding elements attaching to the wall of a vessel are formed in a hooked shape.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1, 2, 5, 9-13, 16-18 and 21-23 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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